

ANDREW R. ADLER, ESQ. (BAR #56415)
 JASON O. BALOGH, ESQ. (BAR #238199)
 BOORNAZIAN, JENSEN & GARTHE
 A Professional Corporation
 555 12th Street, Suite 1800
 P. O. Box 12925
 Oakland, CA 94604-2925
 Telephone: (510) 834-4350
 Facsimile: (510) 839-1897

Attorneys for Defendant Pamela Zimba

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, individually and as
 Guardian ad litem for Eric Sun, disabled,

 Plaintiff,

 vs.

 ROCKRIDGE MANOR CONDOMINIUM,
 et al.,

 Defendants.

Case No.: C 07 4005 EMC

**[PROPOSED] ORDER ON MOTION
 TO DISMISS FIRST AMENDED
 COMPLAINT FOR LACK OF
 SUBJECT MATTER JURISDICTION
 AND/OR FAILURE TO STATE A
 CLAIM UPON WHICH RELIEF CAN
 BE GRANTED AND FOR A MORE
 DEFINITE STATEMENT (FRCP
 12(B)(1), 12(B)(6) AND 12(E))**

Date: May 14, 2008
 Time: 2:30
 Courtroom: C
 Magistrate Judge: Edward M. Chen
 Complaint Filed: August 3, 2007

Defendant Pamela Zimba's motion for dismissal of plaintiffs' First Amended Complaint ("FAC") for Lack of Subject Matter Jurisdiction and/or Failure to State a Claim Upon Which Relief Can be Granted, and For a More Definite Statement came on for hearing before Honorable Edward M. Chen, Magistrate Judge, on May 14, 2008. Defendant Zimba was represented by her counsel, Andrew R. Adler, Esq. of Boornazian, Jensen & Garthe, a Prof. Corp. Plaintiff Chang was present and acted as her own counsel. Having reviewed the parties' papers and arguments, and good cause appearing therefore, the Court made the following orders:

It is hereby ordered, adjudged and decreed that plaintiffs' claim against Ms. Zimba for "Abuse of Process," as asserted in ¶52 of the FAC, is dismissed with prejudice;

It is further ordered, adjudged and decreed that plaintiffs' claim against Ms. Zimba for

1 “Fraud and Misrepresentation,” as asserted in ¶53 of the FAC, is dismissed with prejudice;

2 It is further ordered, adjudged and decreed that Ms. Zimba be, and hereby is, dismissed as a
3 defendant in the instant action, the Court having found that the federal claims, if any, stated in the
4 FAC are not part of the same “case or controversy” as would include the two state law claims
5 asserted against Ms. Zimba, and that the Court thus lacks pendent jurisdiction over Ms. Zimba
6 pursuant to 28 U.S.C. §1367(a);

7 It is further ordered, adjudged and decreed that any surviving state law claim against Ms.
8 Zimba is such that the issues relevant to the said claim(s) would predominate over any issues
9 raised by plaintiffs’ federal claims, that the Court will thus decline to exercise its pendent
10 jurisdiction over the said state law claim(s) pursuant to 28 U.S.C. §1367(c)(2), and that Ms. Zimba
11 shall thus be dismissed from the instant action;

12 It is further ordered, adjudged and decreed that having dismissed plaintiffs’ federal
13 question claims, the Court will decline to exercise its pendent jurisdiction over the state law
14 claim(s) involving Ms. Zimba pursuant to 28 U.S.C. §1367(c)(3), and that Ms. Zimba shall thus be
15 dismissed from the instant action; or

16 It is hereby ordered, adjudged and decreed that Ms. Zimba’s motion for a more definite
17 statement be, and hereby is, granted, and that plaintiffs shall file their further amended Complaint,
18 including the required more definite statement of their cause(s) of action against Ms. Zimba, on or
19 before _____, 2008.

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21 Dated:

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23 HON. EDWARD M. CHEN
24 UNITED STATES MAGISTRATE JUDGE
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